

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THORN LAWLESS,

Plaintiff,

-against-

CITY OF NEW YORK; NYPD DEPUTY INSPECTOR
DANIEL G. MAGEE; NYPD OFFICER DIARMUID
O'SULLIVAN,

Defendants.

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**STIPULATION AND
ORDER OF
SETTLEMENT OF
ATTORNEY'S FEES,
EXPENSES, AND COSTS**

23-CV-09106 (VEC)

WHEREAS, plaintiff THORN LAWLESS commenced this action by filing a complaint on or about October 16, 2023, alleging that defendants City of New York, Deputy Inspector Daniel G. Magee, and Officer Diarmuid O'Sullivan violated their federal civil and state common law rights; and

WHEREAS, defendant City of New York served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on August 12, 2024; and

WHEREAS, plaintiff accepted defendant's Rule 68 Offer of Judgment on August 26, 2024; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of their rights to attorneys' fees, expenses, and costs to their counsel, COHEN&GREEN P.L.L.C.; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, COHEN&GREEN P.L.L.C., the total sum of Twenty-Seven Thousand Five Hundred (\$27,500.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Twenty-Seven Thousand Five Hundred (\$27,500.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Deputy Inspector Magee and Officer O'Sullivan; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

COHEN&GREEN P.L.L.C.
Attorneys for Plaintiff
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Ridgewood, NY 11385
929-888-9480

By: 
J. Remy Green
Attorney for Plaintiff

MURIEL GOODE-TRUFANT
Acting Corporation Counsel of the
City of New York
*Attorney for Defendants City of New York,
Magee, and O'Sullivan*
100 Church Street, 3rd Floor
New York, New York 10007

By: 
Yini Zhang
Senior Counsel

SO ORDERED:

Dated: New York, New York
_____, 2024

HON. VALERIE E CAPRONI
UNITED STATES DISTRICT JUDGE